

Status Report on Implementation of the 2011 Public Safety Realignment Plan

October 21, 2014



2014 Status Report on the Implementation of the Public Safety Realignment Plan (AB109)

Executive Summary

2011 Public Safety Realignment (AB 109), which transferred both incarceration and community supervision responsibility for certain lower level offenders from the state to counties, went into effect in October of 2011. Having completed three years of AB 109 implementation, the CCP partners took the opportunity to assess on-going program approaches, identify implementation challenges and develop recommendations to support the County's realignment efforts beyond Fiscal Year 2014-15. This report focuses on the impacts, successes and ongoing challenges in the three areas outlined in the County's Implementation Plan: 1) inmate housing in the County Jail; 2) community supervision; and 3) treatment of the realigned population. While updates and revisions to the plan will be on-going as we adjust to changing needs and to increase programmatic effectiveness, the core service elements are in place.

Background

The 2011 Public Safety Realignment Act (AB 109) was signed into law on April 4, 2011. The intent of this legislation was to reduce the number of felony offenders who are sent to state prison and instead retain these offenders locally, and to also capitalize on local community support systems to more successfully reintegrate these offenders once released from custody. AB 109 transferred responsibility from the state to counties for the incarceration and community supervision of offenders convicted of certain lower level felonies, defined as non-serious, non-violent, non-registered sex (N3) offenses. This transfer of responsibility includes three groups of offenders:

- 1) Offenders convicted of new crimes that meet the N3 definition in San Luis Obispo Superior Court now serve their prison sentence in county jail, rather than state prison. Within this group, the legislation created two sentencing options: A) straight time in custody, and B) Split sentence/Mandatory Supervision, composed of time split between both custody and community supervision by the County Probation Department. Split sentences/mandatory supervision option provides the opportunity to structure community reentry, mandate participation in services and provide post-custody supervision.
- 2) Offenders who have served their prison commitment for N3 offenses in state prison and are eligible for community supervision through Post Release Community Supervision (PRCS) under the supervision of the County Probation Department, rather than the State's Division of Adult Parole.
- 3) Parolees supervised by State Parole now serve time in County Jail for revocations of parole, instead of returning to state prison.

AB 109 further required that a plan for providing for the housing/incarceration, supervision and treatment of the offenders be developed and presented to the Board of Supervisors for their review and approval. The original AB 109 Implementation Plan was approved by the Board of Supervisors in October of 2011 and an updated plan was presented in October of 2012. The Community Corrections

Partnership (CCP) intends to prepare the next plan update for FY 2014-15.

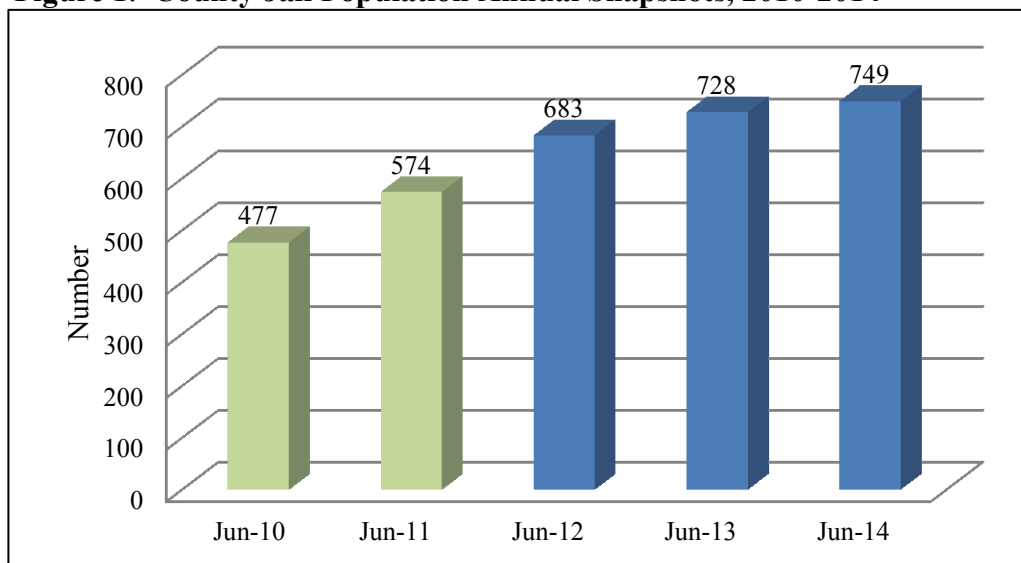
Our County's Implementation Plan focuses on three strategic areas: Housing, Supervision and Treatment. Programs and strategies outlined in the Plan are intended to achieve three inter-related goals:

- To maintain maximum public safety;
- To improve offender success rates and reduce recidivism; and
- To increase incarceration alternatives and treatment support for AB109 offenders.

Housing

Realignment enactment has significantly impacted County Jail capacity over the past three (3) years. Each group of AB109 offender potentially spends time in local jail either as a revocation of supervision or for conviction of a new criminal offense, sentenced to County Jail rather than state prison. The annual snapshot counts presented in Figure 1 were taken on June 30th of each year, thus June 2010 and June 2011 represent the Jail's population prior to the enactment of AB109 in October 2011. The jail population has increased 57% between 2010 and 2014, yet the rate of increase has decreased each year compared to the previous year. It is estimated that between 30-35% of the jail population at any given time is an AB109 offender.

Figure 1: County Jail Population Annual Snapshots, 2010-2014



Source: Sheriff's Office, Jail Case Management System (JCMS)

Among this increased jail population are those individuals who have been sentenced to prison for non-serious, non-violent, non-registered sex (N3) offenses, who serve the sentence at the County Jail. Jail data indicates that since October 2011 to June 2014, 689 individuals have been sentenced under this felony sentencing option.¹ Eighty-six percent of these individuals served a 'straight' prison commitment, which means the offender is released without a period of post-custody supervision. Growth in the use of the split sentence option with mandatory supervision has been slow however, in FY 2013-2014, 21% of local prison commitments were split sentences, the largest rate since implementation in 2011. Data obtained from the Chief Probation Officers of California (CPOC) data

¹ Sheriff's Office, Jail Case Management System (JCMS)

dashboard indicates that through December 2013 San Luis Obispo County has been ‘below average’ in its use of the split sentencing option on a statewide comparison².

Effective January 2015, it is expected the number of split sentence offenders will increase due to new legislation that presumes the split sentence/mandatory supervision option for when sentencing offenders. It is anticipated there will be a growth in the number of split sentences thus resulting in shorter incarceration stays in the County Jail while increasing the number of offenders who will be under the supervision of the Probation Department.

Table 1: Number of AB109 Offenders Sentenced to Prison in Local Jail by Sentence Type

Year	Straight (1170A)	Mandatory Supervision (1170B)	Total
FY2011-12	138	8	146
FY2012-13	227	27	254
FY2013-14	227	62	289
Total	592	97	689

The growth in the jail population has required both an increase in custody staffing, funded through AB109, and considerable re-organization of existing space to create more bed capacity. The County Jail has created more bed capacity by re-locating the Women’s Honor Farm; modifying the housing criteria at the Men and Women’s Honor Farm to allow more inmates; adding extra beds to every housing area; expanding capacity in alternative custody programs; and accelerating releases of inmates as authorized by state law. These steps have allowed the Sheriff’s Office Custody Division to manage the growing population while they eagerly await the completion of the Women’s Jail Facility that will provide new bed and program space.

Additionally, the environment of the County Jail has changed as more inmates serve their incarceration time locally in lieu of state prison. Increase in assaults, violence, gang politics, and a large protective custody population is the result of more criminally sophisticated inmates. These realities often drive housing decisions and hamper inmates’ access to available treatment programs.

Supervision

Public Safety Realignment created two new populations under the supervision of the Probation Department: Post Release Community Supervision (PRCS) offenders and split-sentenced Mandatory Supervision offenders.

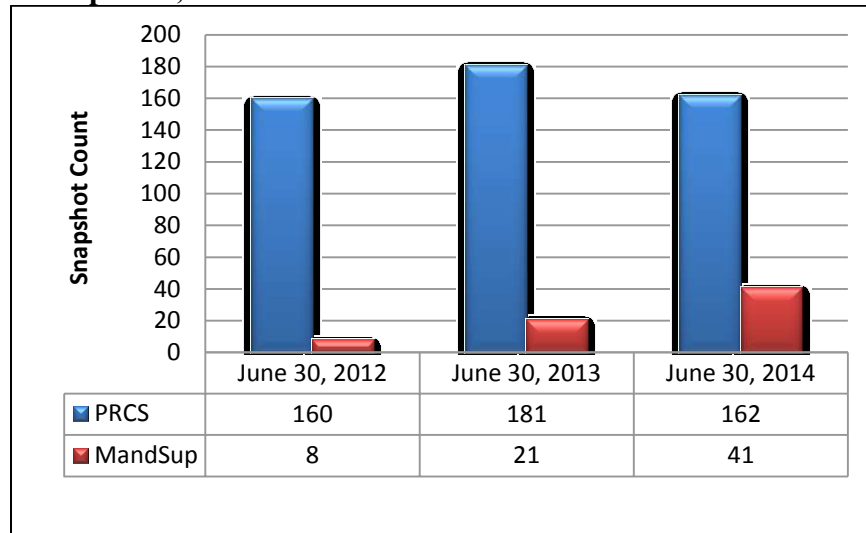
The growth in the PRCS population was immediate, peaking in January 2013 at 196.³ In total, from October 2011 through June 2014, 378 PRCS offenders have been released from state prison and returned to San Luis Obispo County. The annual snapshot counts of Probation supervised offenders reflect that the PRCS population dropped to 162 offenders as of June 30, 2014. This PRCS population is expected

² Chief Probation Officers of California, Split Sentencing Usage by County; www.cpoc.org/data

³ Probation Department, CPOC monthly reports

to continue to decline as fewer N3 offenders serve sentences in state prison. Meanwhile, the number of offenders on Mandatory Supervision has grown very slowly, reaching 41 as of June 30, 2014 who had been released from County Jail.

Figure 2: AB109 Populations under Supervision Annual Snapshots, 2012-2014

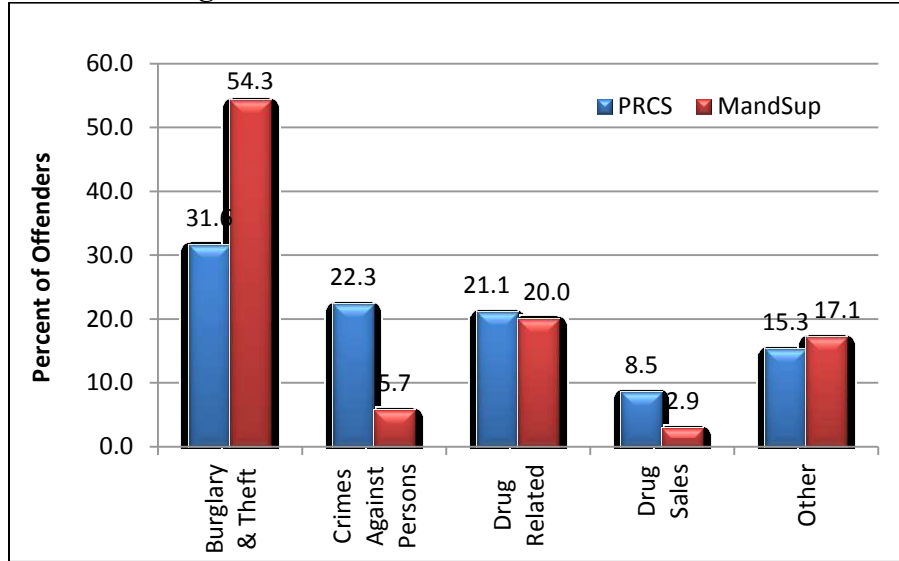


Source: Probation Department, Case Management System

The PRCS offender is primarily male, Caucasian, and over the age of 25 years. Hispanic males make up the second largest demographic group. Approximately one-quarter of those released had been sentenced to prison for burglary and other theft or property related offenses; 22% for crimes against persons; 21% were sentenced to prison for drug possession offenses; and less than 10% were for drug sales. Overall, one-half of all offenders released have served two or more prior prison commitments and 29% had a prior serious or violent felony conviction. Nearly two-thirds, 64%, had one or more prior probation grants, reflecting their history of involvement with the criminal justice system.

The Mandatory Supervision population largely reflects the PRCS population in its basic demographic make-up, except this group includes a higher percentage of female offenders; 18% compared to 10% among PRCS. Over 50% were sentenced to a split sentence for burglary or other theft/property related offenses and one-quarter were sentenced for drug possession offenses. Less than 6% had been sentenced due to a crime against a person. One-third had one or more prior probation grants, reflecting a lower level of criminal history compared to PRCS offenders.

Figure 3: Crime Category at Original Conviction by Offender Type, 3-Year Average



Source: Probation Department, Case Management System

The Probation Department has implemented the evidence-based practice of using a validated risk and needs assessment tool, the Level of Service Inventory-Revised (LSI-R), to help determine the risk of re-offense and identify those risk factors most associated with criminal behavior, referred to as “criminogenic needs.” The assessment tool helps to bring together the risk and needs information, which is used to plan offender treatment and programming, and for assigning the level of supervision they will be subject to while they transition back into the community.

The majority of both PRCS and Mandatory Supervision offenders score in the high and medium-high risk level (Table 2). This risk level translates to an approximate range of 48% to over 70% probability of re-offending. The severity of offender criminogenic needs is also assessed on a range from low to very high.

Generally, AB109 offenders significantly lack positive, pro-social outlets or activities and associate primarily with other anti-social peers or groups. Fifty percent of PRCS offenders and 29% of Mandatory Supervision offenders lack supportive family or spousal members to assist in their effort to change their lives or have family/marital problems that impede or jeopardize their ability to maintain a prosocial lifestyle. In addition, both groups lack important job skills and/or have low levels of education that restricts their ability to gain employment. Over one-half struggle with drug or alcohol abuse that often leads to ongoing criminal behavior. This has made the population challenging to supervise in the community as they exhibit a high level of drug use, lack of motivation to effect positive change in their lives and demonstrate insufficient independent living skills to be successful in reintegrating into the community.

Table 2: Proportion of Offenders by Risk Level and Proportion Scoring High or Very High by Key Criminogenic Needs, 3-Year Average

Risk Level	PRCS	Mandatory Supervision
High	53.3%	40.0%
Medium-High	20.7%	31.4%
Medium-Low	9.3%	17.1%
Low	7.8%	4.3%
Not Assessed	8.9%	7.1%
Criminogenic Need	PRCS, Scoring High/Very High	Mandatory Sup., Scoring High/Very High
Leisure/Recreation	74%	77%
Anti-social companions	68%	50%
Family/Marital Problems	51%	29%
Substance Abuse	50%	46%
Employment/Education	48%	47%
Anti-Social Behavior	47%	20%

To work specifically with these new populations in the community, the Probation Department created a PRCS unit comprised of four probation officers, a supervisor and a legal clerk to handle the increased workload. Each officer maintains a caseload average of 50 cases and provides a level of supervision appropriate to the individual's assessed risk to recidivate.

In addition to specialized supervision caseloads, the Probation Department has increased its use of electronic monitoring of offenders in the community utilizing global positioning satellite devices (GPS). Use of electronic monitoring has multiple benefits: intensifies the level of supervision, improves officer response to potential public safety issues, and aids in communications with the offender. To date, 53 (11.2%) of AB109 offenders have been placed on electronic monitoring with an average term of 87 days.

The use of electronic monitoring is not without challenges. Costs to use GPS increased in FY 2013-2014, in line with increased use, but also due to loss or damage of units and chargers. It is expected that the use of GPS monitoring will continue to be an important tool for both monitoring and as a sanction in lieu of booking in the County Jail.

Effective supervision based on risk level, maintaining the current caseload average and participation in appropriate services is the adopted strategy to maximize public safety and reduce recidivism among the AB 109 population. A currently available, local measure of recidivism is the rate at which offenders are convicted of a new crime during supervision, measured at the time of Probation case closure. The combined recidivism rate for PRCS and Mandatory Supervision offenders, whose supervision case closed as of June 30, 2014 is 33.3%. This rate has increased each fiscal year, possibly reflecting the small sample size during the first years; two-thirds did not re-offend during case supervision.

The AB109 recidivism rate of 33.3% is similar to the traditional felony probation population, 33.7%, for the same time period. However, it should be noted that the extent of AB109 offenders' criminal histories and severity of criminogenic needs is greater than among the traditional felony probation population.

Table 3: Rate of Recidivism among Closed AB109 Probation Cases

Year	# Total Closed Cases	% Recidivated
FY11-12	23	21.7%
FY12-13	111	27.9%
FY13-14	136	39.7%
Total	270	33.3%

Source: Probation-Behavioral Health merged dataset

Treatment

Treatment and supportive programming is provided in two environments: the County Jail and the community. Each environment has its own array of collaborative partners to provide a variety of services, and each environment has its own structure and mechanisms to coordinate risk and need assessment, program eligibility and program participation. Additionally, mechanisms are in place to coordinate the transition of an inmate's program participation from the jail into to the community.

Jail Based Services

While the population impact at the County Jail has presented challenges, AB 109 has provided opportunities to expand inmate services. The Jail Programs Unit (JPU), a multi-disciplinary team, was created to develop and coordinate these services for the general inmate population and the AB 109 inmate. The team consists of a Jail Programs Manager, a Program Custody Sergeant, a Deputy Probation Officer and a Drug & Alcohol Services Therapist.

The goal in the County Jail is to provide programs and services based on the risk and needs of the inmate. The JPU functions as the initial point of contact for AB109 inmates, assesses risk and needs, assists in the development of re-entry plans, and coordinates inmate participation in services. Additionally, the JPU works closely with the Post-Release Case Management Team to implement the re-entry plan and facilitate continuation of services in the community upon release from custody. A screening and assessment process has been developed to meet this goal and identify appropriate treatment programs for participating inmates. See Appendix I, Jail Programs Unit Flow Chart.

Delivering and providing programs to the inmate population can be a complex undertaking. Depending on the type of charge, criminal history, housing location, the length of stay and other considerations, an inmate's ability to participate in programs has been a challenge. In the past three years there have been significant changes made to program delivery to reduce these barriers to program access.

The most significant changes have been the implementation of drug treatment services, and collaboration with community-based providers to bring additional programs into housing units, such as grief and loss counseling, parenting, and anger management. Shifting programs and services to specific units has resulted in higher and more consistent program participation in the jail. In the past year, the JPU increased the number of available programs by expanding partnerships with various community-based organizations:

- Family Law Facilitators Office created the Incarcerated Mothers Legal Project specifically for our facility.
- Department of Child Support Services conducted workshops on managing child support issues.
- California Department of Rehabilitation provided in-service workshops on obtaining and retaining employment for inmates with disabilities.
- Transitions Mental Health Association provided Supported Employment workshops, an employment preparation course designed for inmates with mental illness.
- Restorative Partners provided training on nonviolent communication and various workshops on music practice/theory, sewing and crocheting lessons.
- CAPSLO- Liberty Tattoo Removal program helped inmates begin the process of removing anti-social, gang related tattoos.

Jail-based treatment service data is currently categorized into drug and alcohol treatment, re-entry, case management, and “other” services. Drug and alcohol services include individual and group education and treatment services. Re-entry services are provided by the Probation Officer assigned to the Jail and includes individualized journaling programming (a type of cognitive behavioral therapy) and development of re-entry plans. Case management services support inmates in their transition back into the community by coordinating a warm hand-off to community-based organizations. “Other” is a broad category of services including but not limited to life skills, nonviolent communication, tattoo removal, and vocational skills.

As of June 30, 2014, 508 N3 offenders have been released from custody.⁴ Additional jail-based data indicates that 107 AB109 inmates, released between July 13, 2013 and June 27, 2014, received one or more treatment services.⁵ Of these inmates:

- 71% received “other” services,
- 57% received case management services,
- 33% received re-entry services, and
- 30% received drug and alcohol treatment

Overall, it is estimated 21% of the released N3 population received services during their incarceration. Several factors affect this rate: housing/classification, resource capacity and inmate interest in participating in services.

One of the important goals of jail-based treatment is to enable inmates to seek out and continue with services once released. In FY 2013-14, 58% of inmates who had received drug and alcohol treatment

⁴ Sheriff's Office, JCMS, PC 1170 Sentencing Report

⁵ Sheriff's Office, JPU, Service Participation List

while in custody participated in drug and alcohol treatment in the community upon release.⁶ The ‘warm hand off’ provided by case managers has been anecdotally identified as a key factor in successful transitions from jail-based to community-based services.

Community Based Treatment

The Behavioral Health Department is the lead agency in providing post release behavioral health treatment services and case management services to the AB 109 population in a program called Post-Release Treatment Services (PRTS).

For AB109 offenders who are just released from state prison or County Jail, the weekly Post Release Offender Meeting, or “PROM,” critically serves as the post-release reporting location for supervision purposes and the opportunity to facilitate placement in appropriate treatment programs in the community.” Both PRCS and Mandatory Supervision offenders are required to attend PROM.

Prior to each PROM, the Probation PRCS Unit and the Behavioral Health PRTS Therapists – both jail- and community-based – and Post-Release Case Managers meet to share information on offenders expected at the PROM and on those pending release. This pre-meeting has helped strengthen the coordination between the Departments in the provision of appropriate services. If an offender has already initiated services in jail then they skip applicable parts of the PROM. Generally, upon reporting to the Probation Department, the offender is tested for drugs and alcohol and is introduced to their Probation Officer. If they have not already done so, the offender is then introduced to the case managers and partner agencies who explain what resources are available to them.

Collaboratively, Probation and Behavioral Health, namely through the case managers, work with several community partners to provide additional services and resources as needed. The range of resources includes employment services, vocational programs, tattoo removal, reproductive services, transportation assistance and other supportive services. See Appendix II, PROM flow chart.

Community-based PRTS treatment services are located in three regionalized offices: Grover Beach, San Luis Obispo, and Paso Robles. These services include:

- Case management;
- Individual and group treatment;
- Mental health treatment including co-occurring disorders; and
- Medication and withdrawal management.

Of the 474 AB109 probation cases that started since October 2011, 72% were screened for PRTS, and of these 83.6% received at least 1 service hour through PRTS.⁷

⁶ Drug and Alcohol Services Division, Case Management System

⁷ Probation - Behavioral Health merged dataset

Table 3: Probation Case Starts and Community-based PRTS Participation, by Case Type

Year	# Total Case Starts	# Screened for PRTS	% of Total, Screened	# Received Any PRTS	% of Screened, Received Any PRTS
PRCS	402	292	72.0%	240	82.2%
Mand, Sup.	72	51	69.4%	47	92.0%
Total	474	342	72.2%	286	83.6%

As PRTS has strengthened staffing and team coordination, the provision of service units has grown rapidly from 971 units in FY 2011-12 to 14,212 in FY 2013-14. Working with the case managers to place offenders in Sober Living Environments (SLE) to support their treatment process, the Behavioral Health Department has supported local providers to increase the number of SLE homes from 12 to 17, and thus the number of beds available, from 108 to 154. In FY 2013-14, 119 AB109 offenders benefited from a stay in an SLE, staying an average of 96 days.

Behavioral Health also addressed another critical service need by adding a Mental Health Therapist, specializing in co-occurring disorders, to the PRTS team in FY 2013-14. Twenty-seven percent of the AB109 offenders in FY 2013-14 have been identified as needing this specialized service.

Since October 2011, drug and alcohol treatment and case management services discharged 378 AB109 clients from both jail- and community-based PRTS. Through June 30, 2014, jail-based drug and alcohol treatment has resulted in a 62% ‘successful participation’ rate: the sum of those who ‘complete treatment’ and those who ‘have sufficient progress’ in treatment. Community-based drug and alcohol treatment has resulted in a 28% ‘successful participation’ rate. Case managers have worked with a majority of the AB109 clients with a successful participation rate of 47%.⁸

When participation in PRTS is linked to AB109 probation cases that closed, 33 (31%) of the offenders had ‘successfully participated’ in PRTS. The recidivism rate among these 33 AB109 offenders who successfully participated in drug and alcohol treatment and/or case management services and whose supervision case closed was 15.2%. Among the 74 whose supervision case closed, but who were not successful in drug and alcohol treatment and/or case management services, the rate of recidivism was 51.4%.⁹ This data is preliminary and represents a small sample size. Further analysis and discussion of the results will help fine tune and target the program, yet the PROM process appears to provide an effective way to connect AB109 offenders to treatment programs and obtain assistance when reintegrating into society.

Table 4: Total Closed Probation Cases, PRTS Completion Status and Recidivism

Cases	# Received Any PRTS	# Successful Participants	% Successful, Recidivated	# Unsuccessful	% Unsuccessful, Recidivated
Total Closed	107	33	15.2%	74	51.4%

⁸ Behavioral Health, Case Management System

⁹ Probation - Behavioral Health merged dataset

Conclusion

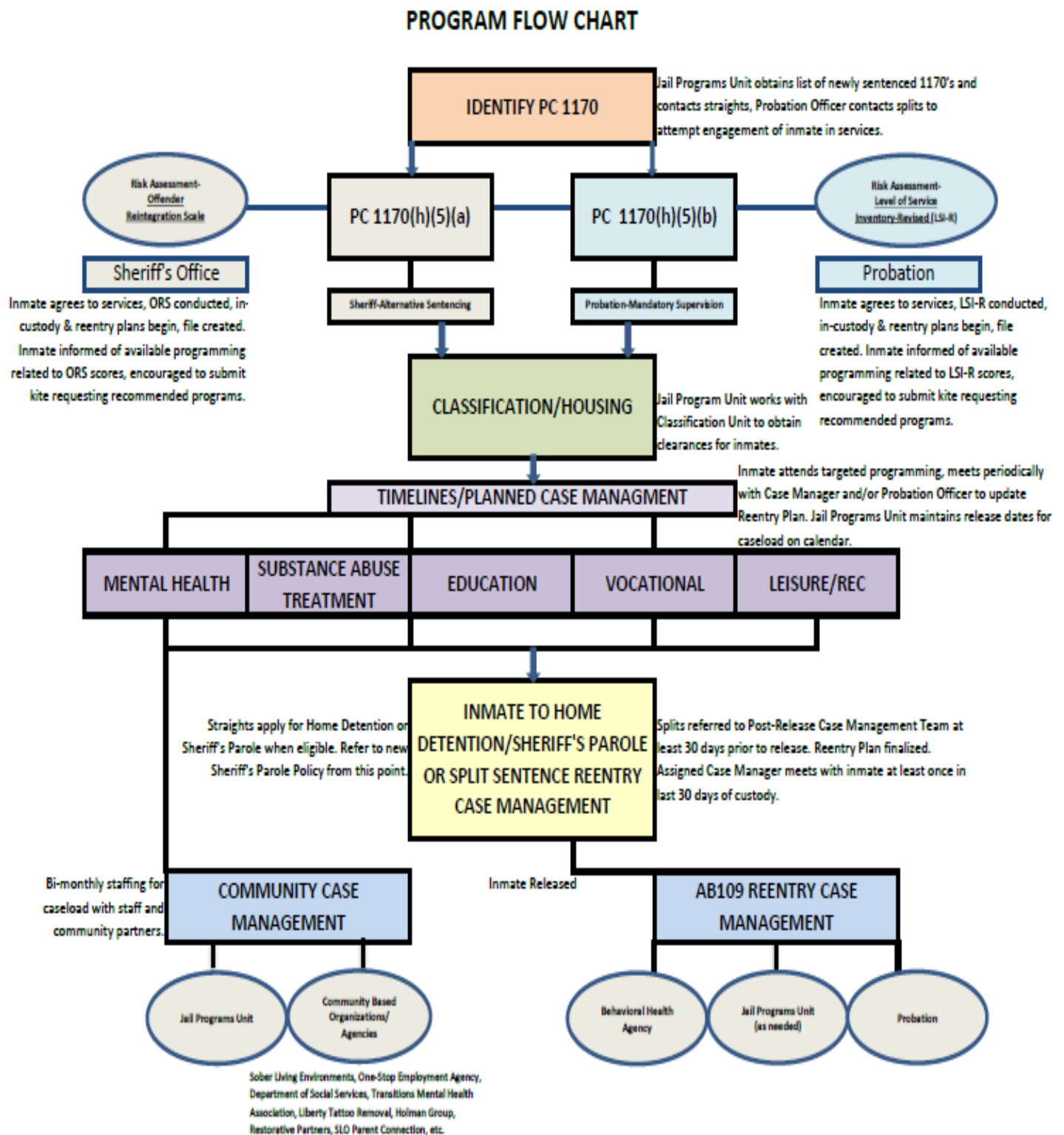
The Community Corrections Partnership has implemented the strategies identified in the Implementation Plan to increase treatment support to enhance service availability for AB109 offenders. Furthermore, the critical components of developing a re-entry plan and starting behavioral health treatment services in custody, and expanding service availability within the community are now established. However, the Public Safety Realignment Act has presented many structural and resource challenges to the County's criminal justice system.

The impact to the County Jail remains on-going as seen in the increasing jail population. Multiple strategies will be needed to optimally manage the jail population overall. Because approximately one-third of the jail population is the AB109 population, the support to expand treatment and develop new strategies to reduce the Jail population, rehabilitate offenders and reduce re-offense is critical. Additionally, as most of the AB109 offenders have extensive criminogenic needs, service program availability and capacity should be reviewed to ensure that the top criminogenic needs can be met.

Needs assessments also indicate that at least 50% of the AB109 population is in need of some level of substance abuse treatment. For N3 offenders, this treatment ideally commences while in custody. However, expanding this service capacity within the jail will be important. Within community-based services, similarly strategies to enhance offender interest and retention in treatment services should be explored in order to increase the number of offenders who successfully participate.

Finally, integrated data collection and analysis must become a priority to achieve a greater understanding of the effectiveness of the models and programs developed to achieve the goals outlined in the County's Realignment Plan. The Probation Department, Behavioral Health and the Sheriff's Office Custody Division are working to develop a merged dataset. However, a monitoring and evaluation plan has not been developed. Such a plan would inform the critical data points in the integrated dataset, identify the responsible entities, and establish the frequency of progress review meetings. Investment in a partnership with academic professionals should be considered to facilitate the development of an evaluation plan.

Appendix I: Jail Program Flow Chart



Appendix II: Post-Release Offender Meeting (PROM) Flow Chart

